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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SALLY DELOREAN as administratrix for THE
ESTATE OF JOHN Z. DELOREAN,

Plaintiff,

v.

DELOREAN MOTOR COMPANY (TEXAS),

Defendant.

Civil No. 2:18-cv-08212

Hon. Jose Linares, U.S.D.J.

**PLAINTIFF'S STATEMENT OF
UNDISPUTED
MATERIAL FACTS**

Pursuant to Local Rule 56.1 of the United States District Court for the District of New Jersey, Plaintiff Sally DeLorean, Administratrix of the Estate of John Z. DeLorean ("Estate"), respectfully submits the following statement of undisputed material facts:

1. John Z. DeLorean was a well-known auto industry executive who started his own automobile company, the DeLorean Motor Company, in 1973. The design of the automobile manufactured by the DeLorean Motor Company was unique. Only approximately 9,000 were manufactured before the company went out of business in 1982. Complaint ¶ 7.

2. On March 14, 1989, Mr. DeLorean entered into an agreement with Universal Pictures (“Universal”), a division of Universal Studios, Inc., by which Universal agreed to pay Mr. DeLorean a royalty in return for Mr. DeLorean’s agreement that Universal could use the image of the DeLorean automobile in connection with its Back to the Future series of movies. Certification of R. Scott Thompson dated June 15, 2018 (“Thompson Cert.”) Ex. B (the “Universal Contract”).

3. Mr. DeLorean died in 2005. At the time of his death, the Estate did not have a copy of the Universal Contract. Certification of Sally DeLorean dated June 15, 2018 (“DeLorean Cert.”) ¶ 3.

4. The Estate sued DeLorean Motor Company (Texas) (“DMC-Texas”) in 2014 because DMC-Texas was using Mr. DeLorean’s legacy and information developed by Mr. DeLorean to promote its own business without permission from the Estate. *Id.*

5. The Estate obtained a copy of the Universal Contract from DMC-Texas in the course of discovery in the lawsuit that began in 2014. *Id.* ¶ 4.

6. The Estate settled the 2014 lawsuit in September 2015. The settlement agreement executed by the parties is effective as of September 23, 2015 (the “Settlement Agreement”). It makes no mention of the Universal Contract. Thompson Cert. Ex. A.

7. In the Settlement Agreement, the Estate did not assign any rights of any kind to DMC-Texas, and did not give DMC-Texas the exclusive right to do anything or use any aspect of any intellectual property. *Id.* Other than releasing DMC-Texas from the claims made in the 2014 lawsuit, the only concessions made by the Estate in the Settlement Agreement were (1) the Estate acknowledged the right of DMC-Texas to use the DeLorean automobile brand on a non-exclusive basis (*id.* Section 3(b)), and (2) the Estate covenanted that it would not participate in

any lawsuit in the future in connection with the use by DMC-Texas of certain words, trademarks, and logos. *Id.*

8. In February 2018, the Estate contacted Universal to demand an accounting of amounts owed under the Universal Contract. Thompson Cert. ¶ 4.

9. On March 13, 2018, Universal informed the Estate's representative that DMC-Texas had informed Universal that the Estate had assigned its rights under the Universal contract to DMC-Texas and that, in reliance on that representation, Universal paid to DMC-Texas all amounts owed to John DeLorean and his estate. Universal informed the Estate that the amount paid to DMC-Texas was well in excess of \$100,000. *Id.* ¶ 5.

10. The Estate has one creditor, Mayer Morganroth. Mr. Morganroth was involved in the execution of the Universal Contract, and was kept informed of the negotiations that led up to the Settlement Agreement in 2015. Mr. Morganroth supports the Estate's efforts to recover all amounts paid to DMC-Texas by Universal. Certification of Mayer Morganroth, Esq. dated June 13, 2018 at ¶¶ 3-8.

Dated: June 18, 2018

/s/ R. Scott Thompson
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